

Karma M. Giulianelli (SBN 184175)
 karma.giulianelli@bartlitbeck.com
BARTLIT BECK LLP
 1801 Wewetta St., Suite 1200
 Denver, Colorado 80202
 Telephone: (303) 592-3100

Hae Sung Nam (*pro hac vice*)
 hnam@kaplanfox.com
KAPLAN FOX & KILSHEIMER LLP
 850 Third Avenue
 New York, NY 10022
 Tel.: (212) 687-1980

*Co-Lead Counsel for the Proposed Class in In re
 Google Play Consumer Antitrust Litigation*

Steve W. Berman (*pro hac vice*)
 steve@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
 1301 Second Ave., Suite 2000
 Seattle, WA 98101
 Telephone: (206) 623-7292

Eamon P. Kelly (*pro hac vice*)
 ekelly@sperling-law.com
SPERLING & SLATER P.C.
 55 W. Monroe, Suite 3200
 Chicago, IL 60603
 Telephone: 312-641-3200

*Co-Lead Counsel for the Proposed Class in In re
 Google Play Developer Antitrust Litigation and
 Attorneys for Pure Sweat Basketball, Inc.*

Bonny E. Sweeney (SBN 176174)
 bsweeney@hausfeld.com
HAUSFELD LLP
 600 Montgomery Street, Suite 3200
 San Francisco, CA 94104
 Telephone: (415) 633-1908

*Co-Lead Counsel for the Proposed Class in In re
 Google Play Developer Antitrust Litigation and
 Attorneys for Peekya App Services, Inc.*

[Additional counsel appear on signature page]

Paul J. Riehle (SBN 115199)
 paul.riehle@faegredrinker.com
**FAEGRE DRINKER BIDDLE & REATH
 LLP**
 Four Embarcadero Center, 27th Floor
 San Francisco, CA 94111
 Telephone: (415) 591-7500

Christine A. Varney (*pro hac vice*)
 cvarney@cravath.com
CRAVATH, SWAINE & MOORE LLP
 825 Eighth Avenue
 New York, New York 10019
 Telephone: (212) 474-1000

*Counsel for Plaintiff Epic Games, Inc. in Epic
 Games, Inc. v. Google LLC et al.*

David N. Sonnenreich (*pro hac vice*)
 dsonnenreich@agutah.gov
**OFFICE OF THE UTAH ATTORNEY
 GENERAL**
 160 E 300 S, 5th Floor
 PO Box 140872
 Salt Lake City, UT 84114-0872
 Telephone: 801-366-0260

Counsel for Utah

Brian C. Rocca (SBN 221576)
 brian.rocca@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
 One Market, Spear Street Tower
 San Francisco, CA 94105-1596
 Telephone: (415) 442-1000

Daniel M. Petrocelli, Bar No. 97802
 dpetrocelli@omm.com
O'MELVENY & MYERS LLP
 1999 Avenue of the Stars, 7th Fl.
 Los Angeles, CA 90067-6035
 Telephone: (310) 553-6700

Counsel for Defendants Google LLC et al.

1 UNITED STATES DISTRICT COURT
2
3 NORTHERN DISTRICT OF CALIFORNIA
4
5 SAN FRANCISCO DIVISION

6 **IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

7 THIS DOCUMENT RELATES TO:

**JOINT STATEMENT RE: CASE
SCHEDULE AND JOINT REQUEST
FOR EXTENSION OF TIME**

8 *Epic Games Inc. v. Google LLC et al.*, Case
9 No. 3:20-cv-05671-JD

Judge: Hon. James Donato

10 *In re Google Play Consumer Antitrust*
11 *Litigation*, Case No. 3:20-cv-05761-JD

12 *In re Google Play Developer Antitrust*
13 *Litigation*, Case No. 3:20-cv-05792-JD

14 *State of Utah et al. v. Google LLC et al.*, Case
15 No. 3:21-cv-05227-JD

Pursuant to this Court’s Order dated July 22, 2021 (*In re Google Play Store Antitrust Litigation*, No. 3:21-md-02981-JD (N.D. Cal. 2021) (“MDL”) ECF No. 67), the parties in the above-captioned MDL action (“the Parties”), by and through their undersigned counsel, submit this Joint Statement in order to update the Court on their ongoing discussions regarding the Parties’ proposed case schedule, and respectfully to seek a 14-day extension of time to complete those discussions and to submit a further Joint Statement on scheduling issues. A Proposed Order Granting Extension of Time is included with this submission. The Parties also address below the timing of Google’s forthcoming coordinated motions to dismiss, and also a regular monthly status conference in these cases, as the Court requested.

I. JOINT STATEMENT ON PROPOSED SCHEDULE

The Parties have exchanged proposals and met and conferred regarding a revised proposed schedule for these cases, but have so far been unable to reach agreement regarding a pre-trial schedule and proposed trial plan. While the Parties are currently not far apart on the proposed date for a trial, there are differences between the interim dates proposed by each side, which the Parties would like additional time to discuss further. In addition, the State of Utah and its co-plaintiff States, Commonwealths, and Districts (collectively the “States”) have had only limited opportunities to discuss the issues in the case with the other Parties, in part because modifications to the existing Protective Order to address state law issues (*e.g.*, freedom of information laws) need to be negotiated by the Parties and approved by the Court before confidential documents can be produced to the States. The States believe that an extension of time for the Parties’ submission of scheduling proposal(s) will allow them sufficient time to submit a proposed modification to the Protective Order to the Court and better evaluate the States’ ability to meet the scheduling deadlines the Parties ultimately propose. For these reasons, the Parties respectfully request a two-week extension, to August 27, 2021, to submit a Joint Statement with a complete proposed revised schedule. The Parties understand that the Court intends to have a firm case schedule in place by September 2021, and are working diligently to submit a proposal that will be acceptable to the Court.

The Parties have reached agreement, however, with respect to a schedule for coordinated briefing on Google's motions to dismiss all actions in the MDL. The States have advised Google that they intend to amend their complaint.¹ Thus, the Parties propose the following briefing schedule:

Proposed Motion to Dismiss Schedule	
Event	Date
Motion to Dismiss	September 8, 2021
Opposition	October 15, 2021
Reply	November 2, 2021
Hearing	As soon as possible after November 5, 2021

In advance of the submission of any briefing, the Parties will submit a proposal relating to page limits.

II. JOINT STATEMENT ON CASE MANAGEMENT CONFERENCES

At the Status Conference held on July 23, 2021, the Court asked the Parties to designate a regular Thursday for monthly status conferences. The Parties are available for a standing status conference on the third Thursday of each month, starting in October. The Parties request that the next status conference be scheduled on the fourth Thursday (September 23, 2021), in order to accommodate the Jewish holiday on September 16, 2021.

¹ The States have agreed to share with Google a copy of the proposed amendment by August 27.

Respectfully submitted,

Dated: August 13, 2021

CRAVATH, SWAINE & MOORE LLP

Christine Varney (*pro hac vice*)

Katherine B. Forrest (*pro hac vice*)

Darin P. McAtee (*pro hac vice*)

Gary A. Bornstein (*pro hac vice*)

Timothy G. Cameron (*pro hac vice*)

Yonatan Even (*pro hac vice*)

Lauren A. Moskowitz (*pro hac vice*)

Omid H. Nasab (*pro hac vice*)

Justin C. Clarke (*pro hac vice*)

M. Brent Byars (*pro hac vice*)

FAEGRE DRINKER BIDDLE & REATH LLP

Paul J. Riehle (SBN 115199)

Respectfully submitted,

By: /s/ Lauren A. Moskowitz

Lauren A. Moskowitz

Counsel for Plaintiff Epic Games, Inc.

Dated: August 13, 2021

BARTLIT BECK LLP

Karma M. Giulianelli

KAPLAN FOX & KILSHEIMER LLP

Hae Sung Nam

Respectfully submitted,

By: /s/ Karma M. Giulianelli

Karma M. Giulianelli

*Co-Lead Counsel for the Proposed Class in
In re Google Play Consumer Antitrust
Litigation*

1 Dated: August 13, 2021

PRITZKER LEVINE LLP
Elizabeth C. Pritzker

2 Respectfully submitted,

3
4 By: /s/ Elizabeth C. Pritzker
Elizabeth C. Pritzker

5 *Liaison Counsel for the Proposed Class in*
6 *In re Google Play Consumer Antitrust*
7 *Litigation*

8 Dated: August 13, 2021

HAGENS BERMAN SOBOL SHAPIRO LLP
Steve W. Berman
Robert F. Lopez
Benjamin J. Siegel

10 SPERLING & SLATER PC
11 Joseph M. Vanek
12 Eamon P. Kelly
13 Alberto Rodriguez

14 Respectfully submitted,

15 By: /s/ Steve W. Berman
16 Steve W. Berman

17 *Co-Lead Interim Class Counsel for the*
18 *Developer Class and Attorneys for Plaintiff*
19 *Pure Sweat Basketball*

1 Dated: August 13, 2021

HAUSFELD LLP

Bonny E. Sweeney
Melinda R. Coolidge
Katie R. Beran
Scott A. Martin
Irving Scher

5 Respectfully submitted,

6 By: /s/ Bonny E. Sweeney
7 Bonny E. Sweeney

8 *Co-Lead Interim Class Counsel for the*
9 *Developer Class and Attorneys for Plaintiff*
10 *Peekya App Services, Inc.*

11 Dated: August 13, 2021

OFFICE OF THE UTAH ATTORNEY
GENERAL

David N. Sonnenreich

14 Respectfully submitted,

15 By: /s/ David N. Sonnenreich
16 David N. Sonnenreich

17 *Counsel for Utah*

18 Dated: August 13, 2021

MORGAN, LEWIS & BOCKIUS LLP

Brian C. Rocca
Sujal J. Shah
Michelle Park Chiu
Minna L. Naranjo
Rishi P. Satia

23 Respectfully submitted,

24 By: /s/ Brian C. Rocca
25 Brian C. Rocca

26 *Counsel for Defendants Google LLC et al.*

1 Dated: August 13, 2021

O'MELVENY & MYERS LLP

Daniel M. Petrocelli

Ian Simmons

Benjamin G. Bradshaw

E. Clay Marquez

Stephen J. McIntyre

5 Respectfully submitted,

6 By: /s/ Daniel M. Petrocelli

7 Daniel M. Petrocelli

8 *Counsel for Defendants Google LLC et al.*

E-FILING ATTESTATION

I, Brian C. Rocca, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Brian C. Rocca

Brian C. Rocca